

February 26, 2004

Via Electronic Filing

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: WC Docket No. 03-259 and Comp. Pol. File No. 667

Dear Ms. Dortch:

In connection with the above-captioned Docket, Touch America, Inc., Debtor-in-Possession ("Touch America-DIP"), by its attorneys, informs the Commission as follows.

Despite its request that it be granted authority to discontinue its ATM/Frame Relay Services by January 31, 2004, Touch America acceded to the request of those certain customers that wrote the Commission directly requesting that their service be continued until the end of this month, February. Touch America-DIP not only maintained these customers' services, but also 140 additional circuits that Qwest Communications asked Touch America-DIP to maintain.

Qwest has informed Touch America-DIP and has agreed that all customers will be migrated by the end of this month. This acknowledgement and agreement has not been reduced to writing, but is factual. Moreover, to the extent some of these customers' services involve off-net facilities, the Bankruptcy Court has rejected further payment of these costs by Touch America-DIP. Touch America-DIP must, therefore, notify the vendors of these off-net facilities that they will no longer be paid and it will be up to them what action they take.

Touch America-DIP needs a grant of its authority so it may effect discontinuance by midnight February 29th at the latest. Further delay in acting on Touch America-DIP's application threatens to create a conflict between the Bankruptcy Court and the FCC.

Touch America-DIP has done all it is capable of doing and must have its discontinuance approved no later than February 27th, 2004.

Should there be any questions concerning the foregoing, please contact the undersigned.

Respectfully submitted,

/s/

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**List of Parties Served
Via Mail, Email and/or Facsimile
with
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February 26, 2004 Letter Notification**

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